

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

HELENE MARIE LEE,

Plaintiff,

v.

ANDREW M. SAUL,

Commissioner of Social Security,

Defendant.

Case No. 1:20-cv-00700-SKO

**ORDER DENYING WITHOUT
PREJUDICE PLAINTIFF'S MOTION
FOR TRANSFER OF CASE**

(Doc. 16)

On May 15, 2020, Plaintiff Helene Marie Lee ("Plaintiff") filed a complaint under 42 U.S.C. §§ 405(g) ("Section 405(g)") and 1383(c) seeking judicial review of a final decision of the Commissioner of Social Security (the "Commissioner" or "Defendant") denying her application for disability benefits pursuant to the Social Security Act. (Doc. 1)

On December 21, 2020, Plaintiff filed a "Motion for Transfer of Case" (the "Motion"), requesting that the case be transferred to the United States District Court for the Central District of California, Eastern Division, because the case "was inadvertently filed in the wrong Court." (Doc. 16.) Thereafter, the Court directed Defendant to file a response in opposition or statement of non-opposition by February 5, 2021. (Doc. 20.) Defendant has not submitted a response to Plaintiff's Motion, and the time to do so has expired. The Motion is therefore deemed unopposed.

Section 405(g), under which Plaintiff brought this action, specifically provides that the action must be filed in "the judicial district in which the plaintiff resides." 42 U.S.C. 405(g). Plaintiff's complaint and civil cover sheet both indicate that she resides in Kern County (*see* Doc. 1 at 1; Doc. 8), which is within the jurisdiction of the Eastern District of California. Therefore, based on Plaintiff's filings with this Court, it appears that venue in this district is proper. Plaintiff asserts

1 in the Motion only that the case “was inadvertently filed in the wrong Court,” and she fails to explain
2 why the Eastern District of California is not the proper venue for this action. (*See* Doc. 16.)

3 Based on the foregoing, it is hereby ORDERED as follows:

- 4 1. Plaintiff’s Motion to Transfer Case is DENIED WITHOUT PREJUDICE, subject to
5 being renewed if Plaintiff is able to prove incorrect venue; and
- 6 2. Plaintiff shall file on the Court’s docket proof of service of this order upon
7 Defendant.

8
9 IT IS SO ORDERED.

10 Dated: February 8, 2021

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE